

Jonathan L. Abram
Raymond A. Kurz
HOGAN & HARTSON LLP
555 Thirteenth Street, N.W.
Washington, D.C. 20004
Tel: (202) 637-5681
Fax: (202) 637-5910

Attorneys for Defendants

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

JOHNSON & JOHNSON and JOHNSON &
JOHNSON CONSUMER COMPANIES, INC.,

Plaintiffs,

v.

THE AMERICAN RED CROSS, LEARNING
CURVE INTERNATIONAL, INC., MAGLA
PRODUCTS, LLC, WATER-JEL
TECHNOLOGIES, INC., and FIRST AID
ONLY, INC.,

Defendants.

Case No. 07-CV-7061 (JSR/DCF)

**ECF CASE
ELECTRONICALLY FILED**

**DECLARATION OF JONATHAN L. ABRAM
IN SUPPORT OF DEFENDANT'S
REPLY MOTION FOR SUMMARY JUDGMENT**

Jonathan L. Abram declares as follows:

1. I am a member of the bar of this Court, admitted pro hac vice, and a partner in the law firm of Hogan & Hartson, LLP. I am counsel for Defendants The American Red Cross, Learning Curve International, Inc., Magla Products, LLC, Water-Jel Technologies, LLC, and First Aid Only, Inc. in the above-captioned action.

2. I submit this declaration in support of Defendants' Reply in Support of Defendants' Motion for Summary Judgment based on my personal knowledge of this case from the initial filing of the complaint, and of the documents contained in the files that my law firm has received and reviewed concerning the above-mentioned Defendants, publicly available information, and other factual matters known to me.

3. Attached as Exhibit 173 is a true and correct copy of an excerpt from the Deposition of Dick James (Nov. 16, 2007) 251-252.

4. Attached as Exhibit 174 is a true and correct copy of printouts from the United States Patent and Trademark Office, Trademark Electronic Search System.

I declare the foregoing to be true and correct under penalty of perjury. This declaration is executed by me in Washington, D.C. this 12th day of December, 2007.

s/ Jonathan L. Abram
Jonathan L. Abram

CERTIFICATE OF SERVICE

Pursuant to the Federal Rules of Civil Procedure, I hereby certify that on the 12th day of December, 2007, I caused a true and correct copy of the foregoing together with attached exhibits to be served upon the following via the Court's ECF Notification System:

Gregory L. Diskant
Sarah Elizabeth Zgliniec
Patterson, Belknap, Webb & Tyler LLP
1133 Avenue of the Americas
New York, NY 10036
Tel: (212) 336-2710
Fax: (212) 336-2222
E-mail: gldiskant@pbwt.com
E-mail: sezgliniec@pbwt.com

Richard Zachary Lehv
Roger L. Zissu
Fross Zelnick Lehrman & Zissu, P.C.
866 United Nations Plaza
New York, NY 10004
Tel: (212) 813-5900
Fax: (212)-813-5901
E-mail: rlehv@frosszelnick.com
E-mail: rzissu@frosszelnick.com

s/ Jonathan L. Abram
Jonathan L. Abram